

### Remarks

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

Withdrawn claims 15-18 have been cancelled without prejudice or disclaimer to the subject matter contained therein.

Claims 1-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sandhu (US5,643,060).

Claims 1 and 8 have been amended so as to further distinguish the present invention, as recited therein, from Sandhu by including a feature similar to the feature previously recited in claim 10. Further, claim 10 has been cancelled without prejudice or disclaimer to the subject matter contained therein.

The above-mentioned rejection is respectfully traversed and submitted to be inapplicable to pending claims for the following reasons.

Claim 1 is patentable over Sandhu, since claim 1 recites a substrate polishing apparatus including, in part, a controller for controlling a polishing process for a substrate according to a predetermined polishing recipe, wherein the controller is configured to switch between the polishing recipe and another polishing recipe based on a thickness of a film on the substrate measured by a film thickness measuring device. Sandhu fails to disclose or suggest the controller recited in claim 1.

Sandhu discloses a polishing system 10 for polishing a wafer including a film thickness measuring device 60, a polishing head 100 and a controller 72. The controller 72 works in conjunction with the film thickness measuring device 60 to determine polishing rates and uniformity across the wafer. Further, the controller 72 is capable of making independent adjustments to one or more pressure applicators 106 on the polishing head 100. (See column 8, lines 1-21).

Based on the above discussion, it is apparent that the controller 72 makes independent adjustments to the pressure applicators 106 of the polishing head 100 while polishing the wafer. However, Sandhu fails to disclose or suggest that the controller 72 switches polishing recipes for the wafer based on the thickness of the film on the wafer. As a result, claim 1 is patentable over Sandhu.

As for claim 8, it is patentable over Sandhu for reasons similar to those set forth above in support of claim 1. That is, claim 8 recites, in part, switching a polishing recipe to another polishing recipe based on a thickness of a film on a substrate measured by a film thickness measuring device, which feature is not disclosed or suggested by the reference.

Because of the above-mentioned distinctions, it is believed clear that claims 1-9 and 11-14 are allowable over the reference relied upon in the rejection. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-9 and 11-14. Therefore, it is submitted that claims 1-9 and 11-14 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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